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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,)
Plaintiff,) SA 08-307M
v.) ORDER OF DETENTION AFTER HEARING
DIEGO MONTES-PEREZ,) (18 U.S.C. § 3142(i))
Defendant.)

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I.

A. On motion of the Government involving an alleged
1. crime of violence;
2. offense with maximum sentence of life imprisonment or death;
3. narcotics or controlled substance offense with maximum sentence of ten or more years
(21 U.S.C. §§ 801,/951, et. seq.,/955a);
4. felony - defendant convicted of two or more prior offenses described above.

B. On motion (by the Government) / (by the Court sua sponte involving)
1. () serious risk defendant will flee;
2. serious risk defendant will
a. obstruct or attempt to obstruct justice;
b. threaten, injure, or intimidate a prospective witness or juror or attempt to do so.

ORDER OF DETENTION AFTER HEARING (18 U.S.C. §3142(i))

1 II.

2 The Court finds no condition or combination of conditions will reasonable assure:

3 A. (X) appearance of defendant as required; and/or
4 B. () safety of any person or the community;

5 III.

6 The Court has considered:

7 A. (x) the nature and circumstances of the offense;
8 B. (x) the weight of evidence against the defendant;
9 C. (x) the history and characteristics of the defendant;
10 D. () the nature and seriousness of the danger to any person or to the community.

11 IV.

12 The Court concludes:

13 A. () Defendant poses a risk to the safety of other persons or the community because:
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15 B. (x) History and characteristics indicate a serious risk that defendant will flee because:
16 **Defendant is undocumented. He has no ties to the community and no bail**
17 **resources.**
18
19 C. () A serious risk exists that defendant will:
20 1. () obstruct or attempt to obstruct justice;
21 2. () threaten, injure or intimidate a witness/ juror; because:
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23 D. () Defendant has not rebutted by sufficient evidence to the contrary the presumption
24 provided in 18 U.S.C. § 3142 (e).

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1 IT IS ORDERED that defendant be detained prior to trial.

2 IT IS FURTHER ORDERED that defendant be confined as far as practicable in a corrections
3 facility separate from persons awaiting or serving sentences or person held pending appeal.

4 IT IS FURTHER ORDERED that defendant be afforded reasonable opportunity for private
5 consultation with his counsel.

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8 Dated: June 26, 2008



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10 Marc L. Goldman
U.S. Magistrate Judge

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